

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

EVERETTE LEE SMITH,)	
Petitioner,)	Civil Action No. 7:13-cv-00089
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	By: Hon. Michael F. Urbanski
Respondent.)	United States District Judge

In accordance with the accompanying Memorandum Opinion entered on this day, it is hereby

ORDERED

that Smith's 28 U.S.C. § 2241 petition is **DISMISSED without prejudice** and this action is **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

Entered: April 16, 2013

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge